

1 XAVIER BECERRA
2 Attorney General of California
3 ISMAEL A. CASTRO, State Bar No. 85452
Supervising Deputy Attorney General
4 DARRELL W. SPENCE, State Bar No. 248011
KIRIN K. GILL, State Bar No. 259968
Deputy Attorneys General
5 State Bar No. 259968
1300 I Street, Suite 125
P.O. Box 944255
6 Sacramento, CA 94244-2550
Telephone: (916) 210-6172
7 Fax: (916) 324-5567
E-mail: Darrell.Spence@doj.ca.gov
8 E-mail: Kirin.Gill@doj.ca.gov
Attorneys for Defendants
9 *California Department of Education, Tom*
Torlakson, in his official capacity as the State
10 *Superintendent of Public Instruction, and State*
Board of Education

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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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16	EMMA C., et al.,	3:96-cv-04179-VC
17	v.	Plaintiffs,
18	TORLAKSON, et al.,	STATE DEFENDANTS' PHASE 2 SUBMISSION PURSUANT TO 5/18/18 ORDER RE STATE'S OBLIGATIONS UNDER CONSENT DECREE AND 9/11/18 ORDER CLARIFYING SCOPE OF PHASE 2 PROCEEDINGS
19		Judge: The Honorable Vince Chhabria
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1 Pursuant to the Court’s May 18, 2018 Order re State’s Obligations Under Consent Decree
 2 (Dkt. 2387) (the “5/18/18 Order”) and the September 11, 2018 Order Clarifying Scope of Phase 2
 3 Proceedings (Dkt. 2439) (the “9/11/18 Order”), Defendants California Department of Education
 4 (“CDE”), Tom Torlakson, in his official capacity as the State Superintendent of Public
 5 Instruction, and State Board of Education (collectively, “State Defendants” or the “State”) hereby
 6 submit their Compliance Report for Phase 2 – Annual Data Use¹ (the “Phase 2 Compliance
 7 Report”), attached hereto as Exhibit 1, to demonstrate that the State’s data analysis activities are
 8 sufficient to allow the State to effectively fulfill its monitoring and enforcement duties under the
 9 Individuals with Disabilities Act (the “IDEA”). Consistent with the 9/11/18 Order, the Phase 2
 10 Compliance Report also addresses why the State’s decision to issue annual determinations for
 11 certain school districts² based on data analysis alone, without further targeted monitoring
 12 activities, is sufficient to fulfill its obligations under the IDEA.

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 14 Dated: December 7, 2018

Respectfully Submitted,

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 16 XAVIER BECERRA
 17 Attorney General of California
 18 ISMAEL A. CASTRO
 19 Supervising Deputy Attorney General

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 21 */s/ Darrell W. Spence*
/s/ Kirin K. Gill
 22 DARRELL W. SPENCE
 23 KIRIN K. GILL
 24 Deputy Attorneys General
Attorneys for Defendants

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28 ¹ Where necessary, State Defendants have appended documents as evidentiary support for the
 Phase 2 Compliance Report (identified as “Attachment ___” throughout).

² State Defendants refer to school districts as local educational agencies (“LEAs”) throughout the
 Phase 2 Compliance Report.